

**SELECTMEN'S MINUTES**  
**January 15, 2007 Budget Public Hearing, *Continued***

**MEMBERS PRESENT:** Chairman Galen Stearns, Alan Carpenter, Margaret Crisler, Roger Hohenberger and Dennis Senibaldi were present. David Sullivan, Town Administrator, and Dana Call, Asst Town Administrator were also in attendance. Meeting commenced at 7:05 pm.

**PUBLIC HEARING:** The public hearing on the 2007 Town Budget and Warrant was continued from January 8, 2007 to discuss three articles continued from the previous hearing and petitioned articles received on the deadline of January 9, 2007. (Note: Certain article numbers have changed since the hearing on January 8 due to the addition of petitioned warrant articles prior to the operating budget article which is now Article 38).

Before reviewing the articles, Mr. Carpenter asked to reconsider the Board's recent practice of putting recommendations on all non-appropriation articles. After discussion, consensus of the Board was to continue to put recommendations on all non-appropriation articles unless there is a majority vote of the Board not to.

**Article 16 – To see if the Town will vote to remove the restriction placed on Town owned Lot 11-A-300, which prohibits the use of the parcel as a possible location for a Salt Shed** – Discussion continued regarding previous concerns relating to the proximity of the property to Town wells which prompted the 2001 Town meeting vote to restrict the land usage. In regards to previous testing done on the wells, Mr. Sullivan indicated that he had received copies of well tests from 1968 which indicated yields ranging from 5 gallons/min to 60 gallons/min. In regards to the Board's request for comments from the Conservation Commission, Mr. Sullivan indicated that the Commission's scheduled meeting this past week was cancelled, therefore, the Commission did not weigh in. Bruce Breton, a Conservation Commission member, was present and indicated that although there was no meeting, as an individual member, he believes the Commission would not have an issue with the use of the land for a Salt Shed, however, they would defer comments on the building/facility until plans were available. Mr. Carpenter then asked what information had changed since the 2001 Town meeting vote. Dave Poulson, Transfer Station Manager, then spoke to the Board outlining the permitting process and type of environmentally sound facilities that are now being built. Mr. Poulson also provided the Board with statistics as to the salt generated from treating Route 111 during winter storms. After further discussion, Mrs. Crisler moved to RECOMMEND the article. Mr. Senibaldi seconded. Passed 3-2 with Mr. Carpenter and Mr. Hohenberger opposed.

**Article 20 – \$104,800 for the engineering expenses relating to the Castle Hill Rd Bridge** – As discussed at the previous hearing, the warrant article was revised based on the latest information received from the engineers and State, changing the appropriation to \$104,800 for the engineering portion only (Town's 20% share changed to \$20,960) and excluding the appropriation for the full construction costs, due to the fact that construction won't be done until 2008 at the earliest. In addition, language was added indicating the overall cost of the entire project. Mr. Carpenter moved to RECOMMEND the article as amended. Mr. Hohenberger seconded. Passed 5-0.

**Article 31** – **Petitioned article to establish a Budget Committee** – After a lengthy discussion regarding including Board recommendations on non-appropriation articles, Mr. Senibaldi moved to include the Board’s recommendation on the article in the warrant. Mrs. Crisler seconded. Thomas Saad, petitioner, spoke on this issue indicating that since a recommendation is not required, it should not be included. Discussion among the Board revealed that since 2005, when the Board initially voted to put recommendations on all non-appropriation articles, even though it is not required, they have been consistent with this practice with the exception of one advisory article regarding conservation easements. Motion passed 3-2 with Mr. Carpenter and Mr. Hohenberger opposed, indicating that for this type of article, it was their preference to let the voters decide without prejudice. After further discussion regarding the article itself, Mr. Senibaldi moved to NOT RECOMMEND the article. Mrs. Crisler seconded. Passed 3-2, with Mr. Carpenter and Mr. Hohenberger opposed.

**Article 33 & 34** – **(Art 33) Petitioned article requesting Town support to create a land use change tax fund to hold current use penalty revenues until they are either transferred to the conservation land fund or appropriated at the next town meeting; (Art 34) Petitioned article requesting Town support to deposit 80% of current use penalties in the conservation land fund versus 100%** - A lengthy discussion ensued regarding the specifics of how each article would work, including whether one passes or both pass. Bruce Breton spoke as a member of the Conservation Commission indicating that the Commission had previously met with the petitioners and that the Commission would not be in favor of the article. Karl Dubay, petitioner, spoke regarding the intent of the article and his projections of the level of funds that would be available in the upcoming years. After each Board member spoke regarding his/her position on the article, Mrs. Crisler move to NOT RECOMMEND both articles. Mr. Hohenberger seconded. Passed 4-1 with Mr. Stearns opposed.

**Article 35** – **Petitioned article prohibiting the construction of any road that traverses the Windham Rail Trail** – Mr. Sullivan indicated that, as written, this article would not be legal due to the fact that the Rail Trail is on land owned by the State of NH and the Town would have no authority to restrict access. Based on this, Mr. Carpenter moved to NOT RECOMMEND the article. Mrs. Crisler seconded. Passed 5-0.

**Article 36** – **Petitioned article requesting the Town discontinue the portion of Hopkins Rd from its intersection with Mitchell Pond Rd north to its intersection with the Windham Rail Trail** – A lengthy discussion ensued regarding the current status of this portion of Hopkins Rd, general classification of roads and ambiguity in the RSA, and the petitioners’ intent. Chris Rossetti, petitioner, clarified that the original intent was to classify this portion as a Class A trail, however, they felt that requesting discontinuance under the law would be more definitive. Board members noted that, as currently written, the article would take away abutter’s rights, potentially causing the Town to pay damages. Mrs. Crisler moved to NOT RECOMMEND the article. Mr. Senibaldi seconded. Passed 5-0.

**Article 37** – **Petitioned article requesting the Town exchange two parcels of land (total 5 acres) plus two additional parcels of Open Space Land adjacent to the Windham Rail Trail (total 15 acres), all owned by MLC Realty Partnership, for three parcels of land (total 3 acres) off**

**Blueberry Rd** – Discussion ensued regarding the specific parcels of land and assessments thereof. Since a preliminary version of this land swap came before the Conservation Commission, and some of the relevant information has since been revised, the Board would like revised comments from the Commission, as well as revised maps from the petitioner, before taking a position on this article. The Board’s recommendation will be revisited at deliberative session.

**NEW BUSINESS:** Mr. Sullivan asked the Board to approve an administrative abatement of taxes totaling \$1,473.60 to the Devlin Family Trust for the land leased by the Town at Herbert field. Mr. Carpenter moved to approve the abatement as requested. Mrs. Crisler seconded. Passed 5-0.

**NON-PUBLIC SESSION:** Mr. Carpenter motioned to enter into nonpublic session in accordance with RSA 91-A:3 IIa. Mr. Hohenberger seconded. Roll call vote all “yes”. The topic of discussion was a grievance filed by a member of the Police Union. *The Board*, Mr. Sullivan and Mrs. Call were in attendance. After a brief discussion, Mr. Carpenter moved to uphold Chief Lewis’ decision in the grievance process. Mr. Hohenberger seconded. Passed 5-0.

Mr. Senibaldi moved to adjourn at 9:20 pm. Mr. Hohenberger seconded; passed 5-0.

Respectfully submitted,

Dana Call  
Asst Town Administrator

*NOTE: These minutes are prepared in draft form and have not been submitted to the Board for approval.*